

Decision 01-08-071 August 23, 2001

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking into the Operation of Interruptible Load Programs Offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the Effect of these Programs on Energy Prices, Other Demand Responsiveness Programs, and the Reliability of the Electric System.

Rulemaking 00-10-002  
(Filed October 5, 2000)

**OPINION ON RAIL TRANSIT SYSTEMS' AND FREIGHT AND COMMUTER  
RAILROADS' ROTATING OUTAGE EXEMPTION AND EMERGENCY  
PETITION TO MODIFY DECISION 01-06-087**

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## **A. Summary**

We grant rail transit systems a Category J exemption from rotating outages for those sections of track that have limited access to emergency response personnel. We require respondent utilities Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) to establish and implement health and safety mitigation measures with the rail transit systems for those sections of track and operations that have limited access to emergency response personnel. We also require rail transit systems to maintain contingency plans for unanticipated and unannounced interruptions of electricity.

Finally, we order SDG&E to file an advice letter to make any necessary changes to comply with the Optional Binding Mandatory Curtailment (OBMC) program changes required by Decision (D.) 01-06-087 within five days after the effective date of this order.

## **B. Background**

In D.01-04-006, issued on April 3, 2001, we adopted changes to the respondent utilities' interruptible tariffs and rotating outage programs, approving a rail transit system Category J Exemption for the Bay Area Rapid Transit District (BART) and for the underground portion of the San Francisco Municipal Railway (MUNI). We scheduled the remaining portion of MUNI operations for review by PG&E so that mitigation measures could be established to ensure the safety of MUNI passengers and staff during rotating outages.

BART and MUNI were the only transit systems identified as parties to this proceeding. Los Angeles County Metropolitan Transit Authority

(LACMTA), Sacramento Regional Transit District (SRTD), Santa Clara Valley Transportation Authority (SCVTA), and San Diego Trolley Incorporated (SDTI) were invited to make a joint proposal, in cooperation with serving utilities, other rail transit systems, and the Commission's Rail Safety and Carrier Division (RSCD) for necessary and reasonable public health and safety mitigation measures.

### **C. Jurisdictional Issues**

On May 17, 2001 the Sacramento Municipal Utility District (SMUD) filed a response seeking a clarification of D.01-04-006 relating to a rotating outage plan involving the rail transit facilities of SRTD. D.01-04-006 identified SRTD as a rail transit system under the Commission's jurisdiction.<sup>1</sup> SMUD maintains that the Commission lacks jurisdiction in these matters because all of the rail transit facilities of SRTD are located within the service territory of SMUD, a municipal utility, and powered exclusively by SMUD.

SMUD requests that we clarify that a rotating outage plan involving the electric service of SRTD is beyond our jurisdiction. SMUD supports a plan that ensures a rotating outage would not raise public safety issues related to rail transit systems. Thus, SMUD recommends that we consider a rotating outage plan that excludes only those electric circuits whose loss would render all or a portion of the system inoperable.

For purposes of this order, we do not assert jurisdiction over SMUD to establish a SRTD rotating outage plan. We discuss our standard for exemptions for rail transit systems below.

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<sup>1</sup> D.01-04-006 footnote 25 at page 60.

#### **D. Petitions for Modification**

Three parties filed petitions for modification (petitions) of D.01-04-006.<sup>2</sup> Petitioners request a blanket exemption because of health and safety issues associated with the rail transit systems' unique environment. For example, rail transit systems operating in at-grade alignments frequently utilize ballast (gravel type material) on their systems, a walking surface not conducive to evacuations of passengers in street shoes, high heels or other common mobility limiting apparel.

Petitioners explain that trains stranded between stations without traction power<sup>3</sup> may require controlled or uncontrolled evacuation of passengers. This, in turn, may require passengers and emergency response personnel to walk on irregular ballasted surface, posing the risk of injury to passengers. Petitioners maintain that the risk of injury would be heightened in any such evacuation involving elderly passengers, passengers in wheelchairs, and in connection with another emergency such as a fire.

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<sup>2</sup> The California Transit Association Rail Operations and Regulatory (CTA ROAR) Committee filed its petition on May 4, 2001; LACMTA filed on May 9, 2001; and, CTA ROAR Committee and four commuter rail operating agencies filed jointly on May 10, 2001. Rail transit systems represented by CTA ROAR Committee and by LACMTA filed several supplemental petitions and responses for a blanket exemption from rotating outages. Each petition seeks a blanket Category J exemption from rotating outages for the passenger rail. Rapid rail transit systems represented by CTA ROAR include BART, LACMTA, SRTD, SCVTA, SDTI, and MUNI. The four-commuter rail operating agencies consists of the Peninsula Corridor Joint Powers Board (Caltrain), San Diego Northern Railway (Coaster), San Joaquin Regional Rail Commission (ACE), and Southern California Regional Rail Authority (Metrolink).

<sup>3</sup> Traction power is electric power supplied directly from the commercial power grid to run axle-mounted traction motors that drive the car wheels to propel trains.

Although at-grade crossing warning systems are designed to lower to their “fail-safe” down position, petitioners believe that rotating outages will present an unacceptable risk to passengers on trains and to motorists. In the event of a power outage, petitioners are concerned that impatient motorists waiting at grade crossings will circumvent the lowered gates and proceed through the crossing. Petitioners are also concerned about the response time of emergency personnel due to traffic congestion at the crossings.

LCMTA also contends that federal law may prohibit imposition of rotating outages on common corridor shared grade crossings. As part of the Union Pacific system, LCMTA explains that certain crossings are regulated by the Federal Railroad Administration, which has issued rules that preempt any regulation of at-grade crossings, including any actions that have an impact on the safety or operation of them by any state agency.<sup>4</sup>

Petitioners state that rail transit systems that operate on aerial structure alignments present accessibility challenges to emergency response personnel. Any power outage that stranded trains on an aerial structure would expose passengers to the hazard of falling from the doorway of the train into the right-of-way or from overhead structures to the ground below.

Petitioners do not accept advance notification of rotating outages from the respondent utilities as an adequate mitigation measure because the respondent utilities cannot guarantee that they will be able to comply with an advance notice requirement.

Thus petitioners recommend that the Commission authorize respondent utilities to exempt all rail transit systems from rotating outages because

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<sup>4</sup> 49 CFR 234.4.

electrical outages for rail transit systems will negatively impact the safety of passengers on rail transit systems.

### **E. RSCD Report**

The Presiding Officer and Assigned Commissioner issued a ruling on May 30, 2001 that directed RSCD to file and serve a report by June 7, 2001 with recommendations on the rail transit systems' petitions.

Although RSCD does not concur with the petitioners' proposal to fully exempt rail transit systems from rotating outages, RSCD does recommend an exemption from rotating outages for those sections of track to which emergency response personnel have limited access, such as exclusive right-of-ways, ballasted tracks, underground sections, tunnels, tubes, aerial structures, and control centers.

On June 26, 2001, the Presiding Officer and Assigned Commissioner issued a ruling that required RSCD to submit a supplemental report by July 9, 2001 listing specific facilities that meet its recommended exemption from rotating outages. The ruling asked all rail transit systems which had filed petitions to cooperate and assist RSCD in obtaining the supplemental information. The ruling also directed respondent utilities to use RSCD's supplemental report to conduct a load/reserve margin analysis by July 16, 2001 to determine the impact of RSCD's proposed partial rotating outage exemption on their total system load available for rotating outage. The ruling invited parties to file and serve comments on the RSCD and respondent utilities reports within three days from the date filed.

#### **1. RSCD Recommendations**

RSCD proposed the following recommendations.

**a. Rail Transit Systems**

- i. Exempt those sections of a rail transit systems' track that have limited access to emergency response personnel from any rotating outage.
- ii. PG&E, SDG&E or SCE, as appropriate should provide one hour advanced person-to-person telephone notifications of rotating outages to the Operations Control Center of any affected rail transit system.
- iii. Each rail transit system should establish and implement procedures for rotating outages to ensure the safety of pedestrian evacuees on or about the right-of-way. Where there is a shared common corridor with a freight or commuter railroad, the rail transit system should establish and implement procedures to contact the freight or commuter railroad's train dispatching center advising of the outage, any necessary evacuations or other emergency activities.
- iv. Rail transit systems and freight or commuter railroads operating in a common corridor should establish procedures jointly to ensure the safety of pedestrian evacuees on or about the right-of-way.
- v. PG&E, SDG&E, and SCE should establish necessary and reasonable mitigation measures with each impacted rail transit system. PG&E, SDG&E, and SCE should file and serve a report within 30 days of this decision on the necessary and reasonable mitigation measures which the respondent utility and impacted rail transit system agree to including the measures that the respondent utility will implement. Any rail transit system may file a complaint with the Commission if safety issues involving this matter are not resolved with the respondent utility.
- vi. Rail transit systems should determine whether they are subject to rotating outages on those portions of track receiving electric power from sources other than the respondent utilities.
- vii. The exemption from rotating outages granted to BART in D.01-04-006 should remain in effect.
- viii. The underground exemptions from rotating outages granted to MUNI in D.01-04-006 should remain in effect.

With respect to the non-underground portion of MUNI, PG&E should establish necessary and reasonable mitigation measures with MUNI.

**b. Grade Crossing Warning Devices**

- i. Rail Transit systems and freight or commuter railroads operating in common corridors should coordinate and jointly test grade crossing warning devices' emergency battery life.
- ii. Rail transit systems and freight or commuter railroads operating in common corridors should conduct planned exercises and safety efficiency testing of the recommended emergency procedures.
- iii. Freight and commuter railroads should test grade crossing warning devices under simulated "power-off" to determine current condition of estimated back-up life of the emergency batteries.
- iv. Freight and commuter railroads and rail transit systems should maintain and replace, as necessary, batteries in high rail traffic use crossings.
- v. Freight and commuter railroads and rail transit systems should ensure that crossing gates "fail" in the down position.
- vi. Cities, counties, and other agencies that operate nearby preempted traffic signals connected to grade crossings should develop alternative means of providing warnings to motorists, including, but not limited to, battery backup, police, and flag persons.
- vii. Freight and commuter railroads and rail transit systems, as necessary, should operate at "restricted speed" (e.g. ability to stop in ½ the range of vision, not to exceed 20 mph) over grade crossings interconnected with preempted traffic signals during power outages.

**c. Freight and Commuter Railroads**

- i. PG&E, SDG&E, and SCE, as appropriate should provide one-hour advanced person-to-person telephone notifications of a rotating outage to each OCC or central

- dispatching center of any impacted freight and commuter railroad.
- ii. Where common corridors are shared with rail transit systems, freight and commuter railroads should establish and implement procedures to ensure the safety of rail transit pedestrian evacuees on or about the right-of-way. Those procedures should include notification from the rail transit systems' operations control center to the respective freight or commuter railroad's train dispatching center advising of the outage and any necessary evacuations.
  - iii. Rail transit systems and freight and commuter railroads should jointly establish procedures to ensure the safety of pedestrian evacuees on or about the right-of-way.
  - iv. PG&E, SDG&E, and SCE should establish necessary and reasonable mitigation measures with each impacted rail transit system. PG&E, SDG&E, and SCE should file and serve a report within 30 days of this decision on the necessary and reasonable mitigation measures which the respondent utility and each impacted freight and commuter railroad agree to including the measures that the respondent utility will implement.
  - v. Each freight or commuter railroad may file a complaint with the Commission if there are unresolved disputes.

## **2. RSCD Supplemental Report**

In its supplemental report, RSCD recommends that the entire SCE portion of LACMTA's Green Line and the SCE portion of LACMTA's Blue Line, except for the Blue Line street-running sections in Downtown Long Beach, be exempted from rotating outages, as detailed in Appendix A to this decision. For SCVTA, RSCD recommended that the SCVTA Control Center and those portions of SCVTA track that are exclusive right-of-way and ballasted be exempted from rotating outages, as detailed in Appendix B to this decision. RSCD made no recommendation for SDTI because SDTI did not submit sufficient information.

RSCD also recommends that the following common corridor mitigation measures be adopted.

- i. Freight and commuter railroads and rail transit systems should coordinate and jointly test grade crossing warning devices which are separately maintained within a common corridor. Power source variability, operational characteristics and battery life of the two systems should be confirmed.
- ii. Freight and commuter railroads and rail transit systems should test grade crossing warning devices under simulated “power-off” conditions to determine current condition of and estimated back-up life of emergency batteries. All railroads and rail transit systems should ensure that crossing gates “fail” in the down position as designed.
- iii. Cities, counties, and other agencies that operate nearby preempted traffic signals connected to grade crossings should determine how a power outage will affect these devices. If the preemptive signals have no battery backup system, or they lose functionality during and after a blackout, then alternative means of providing warnings to motorists must be employed. Freight and commuter railroads and rail transit systems not otherwise affected should, as necessary, operate at “restricted speed” (e.g. able to stop in ½ the range of vision, not to exceed 20 mph) over grade crossings interconnected with preempted traffic signals affected by a blackout but not protected by other alternative means.
- iv. Freight and commuter railroads and rail transit systems should maintain emergency procedures that address the risks presented by the evacuation of pedestrian passengers stranded by a blackout affecting a rail transit vehicle mid-route through a common corridor right-of-way where freight and/or commuter trains may be operating at full speed. Carriers should ensure effectiveness of emergency procedures through employee testing and unannounced mock drills.
- v. This order should be served on all railroad corporations operating in California and they should be added to the service list.

RSCD received additional information from SDTI and filed a second supplemental report on July 31, 2001, that identified the specific SDTI facilities

and sections of track that meet RSCD's rotating outage exemption criteria.  
(Appendix C.)

**3. Impact of RSCD proposed Rotating Outage Exemptions**

PG&E, SDG&E, and SCE timely filed and served their reports on the results of their load/reserve margin analysis and impact on total system load outages.

The following tabulation shows the number of circuits, megawatts, and total system load affected, excluding circuits already exempted, by RSCD's recommended exemption for rotating outages.

<u>Utility</u>	<u>Affected</u>		<u>Load</u>
	<u>Circuits</u>	<u>Megawatts</u>	
PG&E <sup>5</sup>	2 <sup>6</sup>	17.3	.10%
SDG&E	15	93.8	2.00
SCE	21 <sup>7</sup>	46.8	0.21

**F. Discussion**

The Commission adopted a system of priorities for statewide reduction of electric service in 1976 pursuant to Pub. Util. Code §§ 2771-2776. D.91548 directed the utilities to maintain 50% of their system load available for rotating outages while protecting essential users to the maximum extent practical.<sup>8</sup> The Commission lowered 50% reserve margin to 40% in 1982.<sup>9</sup> Currently utilities must have 40% of their peak load available for rotating outages.

Exemptions from rotating outages do not guarantee a continuous supply of electricity or freedom from interruption. Unanticipated and unannounced

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<sup>5</sup> PG&E included, in its report, circuits and megawatts already exempted from rotating outages for other purposes. Such circuits have no further impact on the utilities' total system load available for rotating outages. PG&E also included circuits that have back up circuits not requiring an exemption at this time. However, if the status of the back up circuits or exemption status of these already exempt circuits change, rail transit systems should continue to be granted an exemption from rotation outages on such circuits.

<sup>6</sup> Although a total of 12 circuits are impacted, 5 circuits utilizing 73.9 MW have back-up circuits not requiring an exemption and 5 circuits utilizing 79.6 MW are already exempted.

<sup>7</sup> A total of 39 circuits are impacted, of which 18 circuits are already exempt.

<sup>8</sup> 3CPUC2d 511 at 528 (1980).

<sup>9</sup> 1982 Cal. PUC LEXIS 537; 9CPUC 2d 284.

interruptions of the supply of electricity may result from factors such as an earthquake, fire, windstorm, lightning strike, and a car colliding with a power pole. Therefore, all parties should maintain contingency plans to address unanticipated and unannounced interruptions of the supply of electricity, whether or not they are granted exemptions from rotating outages.

We must be very cautious in granting exemptions from rotating outages to ensure that electric utility operating margins are maintained at safe levels, not necessarily at the minimum reserve requirement, and so as not to burden a relative small percentage of customers. We will allow Category J exemptions from rotating outages based on public health and safety only upon the existence of hazardous conditions that could result in imminent death or severe injury and that cannot be minimized, controlled, corrected, or eliminated through mitigation measures.

The actual reserve margin available for rotating outages prior to granting any Category J exemptions in this order or a subsequent order that will address almost 10,000 requests for a Category M exemption is approximately 52% for PG&E, 53% for SDG&E, and 51% for SCE. This means that PG&E has a maximum of 12% of its reserve margin available for additional exemptions from rotating outages, SDG&E 13%, and SCE 11%.

RSCD meticulously identified those sections of track to which emergency response personnel have limited access, as listed in Appendix A, B, and C of this order. Such limited access constitutes a hazardous condition for public health and safety. We therefore grant these locations a Category J exemption from rotating outages. These exemptions do not adversely impact the respondent utilities' required level of peak load available for rotating outages.

RSCD also identified those sections of track which are accessible by emergency response personnel. RSCD does not recommend exemptions from rotating outages but does recommend mitigation measures to minimize or control the public health and safety issues at these locations. Petitioners contend that the mitigation measures proposed by RSCD will not alleviate their public health and safety concerns.

### **1. One-Hour Advance Notice**

RSCD recommends that respondent utilities provide impacted freight and commuter railroads a one-hour person-to-person advance telephone notification of rotating outages. Respondent utilities and petitioners contend that there is no guarantee that the respondent utilities can provide freight and commuter railroads with a one-hour advance notice.

For example, SCE explains that even though Executive Order D-38-01 (Executive Order) issued by Governor Gray Davis on June 5, 2001, required the ISO to notify utilities at least one hour in advance of any firm load curtailment, that notice is actually a “1-Hour Probability Notice.”<sup>10</sup> In other words, it serves as a forecast that rotating outages may be called within the next 90 minutes or sooner. SCE concludes there can be no guarantee that the notice the respondent utilities obtain from the ISO and conveys to the rail transit systems will be sufficient to allow all trains to get to a safe location.

There may be no guarantee that respondent utilities will convey an actual one-hour advance notice of rotating outages to the rail transit systems. However, as RSCD explains, the Executive Order requires the ISO, in part, to

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<sup>10</sup> Office of Emergency Services, Implementation Plan for Executive Order D-38-01 (Final Draft), dated June 15, 2001, (mimeo.) at 7.

notify the general public of the potential for rolling blackouts 48 hours in advance and to update this forecast 24 hours in advance, based upon such factors as weather, outages, supply, and demand. The Executive Order also requires frequent updates to the public during periods of forecasted electricity emergencies and notification to the utilities of any firm load curtailment at least one hour in advance. The Executive Order also requires utilities to provide notification no less than one hour in advance of any rotating outage of the time and location where the anticipated blackout will occur. That notice is to include common geographical boundaries, grid or block numbers, and maps or similar identifying information so the public and affected customers can readily understand where the rotating outages will occur.

The Executive Order 's requirement provides the utilities, rail transit systems, and general public with sufficient notice to prepare for rotating outages. They will receive a 48-hour advance notice that will be updated 24 hours in advance, and more frequently as conditions change. Planned rotating outages will not occur until after the ISO has called for a Stage I voluntary curtailment of energy usage and subsequently required Stage II mandatory curtailment. Although the respondent utilities cannot provide a guarantee, they can provide reasonable notice of the probability of imminent rotating outages.

In addition, the Presiding Officer and Assigned Commissioner ordered respondent utilities to include a customer's rotating outage block number on each customer's bill and rotating outage information on each utility's website.<sup>11</sup> This additional information provides rail transit systems

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<sup>11</sup> April 21, 2001 ruling.

with necessary information to determine which rotating outage block was last impacted by rotating outages and which of the rail transit systems services, if any, are subject to upcoming rotating outages. We affirm these requirements in this decision.

Therefore, the advance notification provided by the requirements of the Executive Order, the Presiding Office and Assigned Commissioner's April 26, 2001 ruling, and the additional mitigation measures recommended by RSCD will provide the rail transit systems with sufficient advance notice of planned rotating outages. We adopt this proposal.

## **2. Person- to- Person Call**

RSCD recommends that PG&E, SDG&E and SCE provide telephone notification in advance of a rotating outage. SCE states that it already has procedures in place to make contact with numerous customers and stakeholder groups such as critical care customers and public safety agencies. For example, SCE recently contracted with a new vendor for an enhanced system that can send messages through multiple communication channels selected by SCE's customers. These multiple communications channels include telephone, cellular telephone, pager, telecopier, e-mail, and wireless personal digital assistance.

SCE proposes to include the rail transit systems in this multiple communications channels procedure to satisfy any advance notification obligation and provide nearly immediate notification, within five minutes of message initiation. LACMTA also believes that SCE's current notification method through the use of a passive auto dialer system is adequate and should be continued.

Person-to-person advance contact guarantees a positive two-way communication that rail transit systems have been properly notified and should be adopted. Passive auto dialer systems may replace the person-to-person contact only if the passive auto dialer system is capable of receiving a confirmation that rail transit systems personnel have received the notification. The utilities may implement these procedures if they can provide this confirmation.

### **3. Grade Crossing Warning Devices**

LACMTA contends that the RSCD recommendations for grade crossing warning devices will not necessarily result in improved safety during rotating outages. LACMTA explains that the battery backup for its grade crossing warning devices provides power to operate the warning devices (gates, flashing lights and bells) only when utility power is available to the track circuit/train detection system. Any loss of power to the track circuit/train detection system will cause the gates to lower, and remain in the lowered, or fail-safe position until power is restored. With the loss of power, the battery backup only provides power to the flashing lights and warning bells until the batteries are exhausted. The battery backup will not operate the gates under a loss of power to the track circuit/train detection system.

All freight and commuter railroad operations must comply with federal grade crossing safety regulations contained in Part 243 of Title 49 Code of Federal Regulations. Part 234.215 requires a standby source of power to be provided with sufficient capacity to operate the warning systems of grade crossings during any period of primary power interruption. In the event of an activation failure due to a power outage or other cause, Part 234.105 sets forth specific action that the railroad carrier having maintenance responsibility for

the warning system must promptly initiate, including notification to law enforcement agencies having jurisdiction over the crossing and providing for alternative means of actively warning motorists. Nothing being authorized by this order is intended to replace or conflict with these federal grade crossing safety regulations.

RSCD recommends the mitigation measures for grade crossing warning devices that are intended to insure that the safety of rail transit system passengers and motorists are maintained at the same level as those for freight and commuter railroads. Upon the loss of power by rotating outages, crossing gates should fail in the down position and associated backup batteries should have sufficient life to operate flashing lights and warning bells during periods of rotating outages. Although passengers and motorists may be inconvenienced, the mitigation measures recommended by RSCD for grade crossing warning devices should be adopted.

#### **4. Station Power**

Loss of power at the stations of rail transit systems could affect station lighting, escalators, elevators, public address speakers, fire/life safety systems, ventilation fans, and other safety-related systems. Mitigation measures for the loss of station power are already in place. Each rail transit system has an Emergency Plan in place that includes procedures and some back-up power facilities for power failures including rotating outages. Although passengers may be inconvenienced, these emergency plans are designed to alleviate, if not eliminate, imminent danger to public health and safety. We will therefore not exempt station power from rotating outages.

## **5. Traction Power**

Loss of traction power for rail transit systems means that rail transit vehicles are likely to be stopped anywhere on the lines in the area affected by rotating outages including underground sections, tunnels, tubes, aerial structures, the middle of major intersections, grade crossings, or in the ballasted trackway of a freeway. If rotating outages occur, this does not affect the traction power of freight and commuter rail that use diesel-electric powered locomotives because the electric power generated aboard each locomotive runs the traction motors to propel their trains.

We do not grant additional exemptions for loss of traction power. The exemptions we authorize in this decision resolve the public health and safety concerns of petitioners for loss of traction power in ballasted tracks, underground sections, tunnels, tubes, and aerial structures. Although passengers may be inconvenienced because exemptions from rotating outages are not being granted for the major intersections, grade crossings, and street running alignments, the mitigation measures recommended by RSCD will reasonably minimize and control the loss of traction power.

## **6. Summary**

RSCD's proposed mitigations for rail transit systems, grade crossing warning devices, freight and commuter railroads, and common corridor operations will reasonably minimize, control, and correct the public health and safety issues at these locations. We will adopt the recommendations of RSCD.

## **G. Emergency Petition to Modify D.01-06-087**

On July 5, 2001 SDG&E filed an emergency petition to modify D. 01-06-087. This decision modified the Optional Binding Mandatory

Curtailed (OBMC) program to allow circuit aggregation to uniformly apply the calculation of excess energy and determination of compliance for required load reductions, and to provide flexibility in the 10-day baseline measurement.

SDG&E seeks to modify the new requirement dealing with the days of exclusion used in determining the OBMC program 10-day baseline, as set forth in Section 2.4.3. of the OBMC program. SDG&E states that the new requirement will preclude two of its existing OBMC customers from continuing to participate in the program. Without the participation of these customers in the OBMC program, SDG&E states that it would lose 3.4 MW of load reduction during Stage 3 events.

On July 30, 2001, SDG&E filed a motion to withdraw its emergency motion on the basis that SDG&E and its OBMC program customers have subsequently determined they would not be impacted by the 10-day baseline changes.

We will grant SDG&E's motion to withdraw its emergency motion. SDG&E must comply with the 10-day baseline changes set forth in Ordering Paragraph 7 of D.01-06-087. Within five days of the effective date of this decision, SDG&E should file an advice letter to make any necessary tariff changes to comply with D.01-06-087.

#### **H. Public Review and Comment. Need for Expedited Consideration**

Rule 77.7(f)(9) of the Commission's Rules of Practice and Procedure provides in relevant part that:

“...the Commission may reduce or waive the period for public review and comment under this rule...for a decision where the Commission determines, on the motion of a party or on its own motion, that public necessity requires reduction or waiver of the 30-day

period for public review and comment. For purposes of this subsection, “public necessity” refers to circumstances in which the public interest in the Commission adopting a decision before expiration of the 30-day review and comment period clearly outweighs the public interest in having the full 30-day period for review and comment. “Public necessity” includes, without limitation, circumstances where failure to adopt a decision before expiration of the 30-day review and comment period...would cause significant harm to public health or welfare. When acting pursuant to this section, the Commission will provide such reduced period for public review and comment as is consistent with the public necessity requiring reduction or waiver.”

We balance the public interest in quickly addressing rotating outage exemptions for rail transit systems due to the severe electric shortage and expectations of rolling outages this summer against the public interest in having the full 30-day comment cycle on the proposed modifications. We conclude that the former outweighs the latter. We must respond quickly in order to provide some certainty in the upcoming months, and find that a reduced public review and comment period balances the need for input with the need for timely action before Summer 2001.

On August 13, 2001, the draft decision of Assigned Commissioner and Presiding Officer Wood on this matter was mailed to parties in accordance with Section 311(g) of the Public Utilities Code and Rule 77.7 of the Commission’s Rules of Practice and Procedure. Comments were to be filed no later than August 20, 2001. Comments filed by the California Water Agencies on August 17, 2001 resulted in clarifying that the exemption criteria used in this order is applicable to Category J exemptions.

### **Findings of Fact**

1. For purpose of this order, the Commission does not assert jurisdiction over SMUD to establish a SRTD rotating outage plan.
2. BART has a Category J exemption from rotating outages for its entire rail transit system.
3. MUNI has a Category J exemption from rotating outages for the underground portion of its rail transit system.
4. Rail transit systems operating in at-grade alignments frequently utilize gravel type material on their systems, a walking surface not conducive for evacuations of passengers.
5. At-grade crossing warning systems are designed to lower the gates to a “fail-safe” down position.
6. Rail transit systems that operate on aerial structure alignments present accessibility challenges to emergency response personnel.
7. RSCD recommends that exemptions from rotating outages be granted for those sections of track to which emergency response personnel have limited access.
8. RSCD supplemented its report with a list of specific facilities that meet its criteria proposed for rotating outage exemptions.
9. RSCD recommends mitigation measures for those sections of track not found eligible for exemptions.
10. Respondent utilities are required to have 40% of their peak load available for rotating outages.
11. The actual reserve margin available for rotating outages prior to granting any exemptions in this order is approximately 52% for PG&E, 53% for SDG&E, and 51% for SCE.

12. Exemptions from rotating outages do not guarantee a continuous supply of electricity or freedom from interruption. Unanticipated and unannounced interruptions of the supply of electricity may result from factors such as an earthquake, fire, windstorm, lightning strike, and a car collision.

13. Executive Order D-38-01 requires the ISO, in part, to forecast to the general public the potential for rolling blackouts 48 hours in advance and to update this notice 24 hours in advance. The Executive Order also requires utilities to provide notice of the time and location where the anticipated blackout will occur no less than one hour in advance of any rotating outage.

14. Planned rotating outages will not occur until after the ISO has called for a Stage I voluntary curtailment of energy usage and has subsequently required a Stage II mandatory curtailment.

15. Respondent utilities are required to include a customer's rotating outage block number on each customer's bill and rotating outage information on each utility's website.

16. All freight and commuter rail operations must comply with federal grade crossing safety regulations.

17. Federal regulations require a standby source of power to be provided so that there is sufficient capacity to operate the warning systems for grade crossings during any period of primary power interruption.

18. Each rail transit system has an emergency plan in place that includes procedures and some back-up power facilities for power failures including rotating outages.

19. The traction power of freight and commuter rail operations that use diesel-electric locomotives are not affected by rotating outages.

### **Conclusions of Law**

1. Category J exemptions from rotating outages based on public health and safety should only be allowed upon the existence of hazardous conditions that could result in imminent death or severe injury and cannot be minimized, controlled, corrected, or eliminated through mitigation measures.

2. LACMTA, SCVTA, and SDTI should be granted exemptions from rotating outages for those sections of track for which RSCD determined emergency response personnel have limited access.

3. The mitigation measures recommended by RSCD should be adopted.

4. SDG&E's emergency petition to modify D.01-06-087 should be dismissed.

5. SDG&E should comply with the 10-day baseline changes set forth in Ordering Paragraph 7 of D.01-06-087.

6. All railroad corporations operating in California should be served a copy of this order and should be added to the service list of this rulemaking proceeding

7. The period for public review and comment on the draft decision should be reduced, pursuant to Rule 77.7(f)(9), as we balance the need to act quickly to address the rotating outage exemptions for rail transit systems due to the severe electric shortage and expectations of rolling outages this summer against the public interest in having the full 30-day comment cycle on the proposed modifications.

8. Because of the public interest in avoiding rotating outages in the summer of 2001, the following order should be effective immediately.

**O R D E R**

**IT IS ORDERED that:**

1. Respondent utilities Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E) shall provide the Los Angeles County Metropolitan Transit Authority, Santa Clara Valley Transportation Authority, and San Diego Trolley, Inc. Category J exemptions from rotating outages for exclusive right-of-way, ballasted track, underground sections, tunnels, tubes, aerial structures, and control centers to which emergency response personnel have limited access, as listed in Appendix A, B, and C, of this decision.

2. Respondent utilities and rail transit systems under Commission jurisdiction shall implement the Rail Safety and Carrier Division recommendations set forth in Appendix D of this decision.

3. Respondent utilities may use a passive auto dialer system to provide one-hour advance notification of rotating outages to rail transit systems if that passive auto dialer system is capable of receiving a confirmation that rail transit systems personnel received the notification.

4. Rail transit systems under Commission jurisdiction shall maintain contingency plans for unanticipated and unannounced interruptions of the supply of electricity.

5. Within 30 days of the effective date of this decision respondent utilities shall file a report on necessary and reasonable mitigation measures which the respondent utility and impacted freight or commuter railroad agreed to including the measures that the respondent utility has, or will, implement. The freight and commuter railroads may file a complaint with the Commission if unresolved disputes remain.

6. The Executive Director shall serve a copy of this decision on all railroad corporations operating in California. The Executive Director shall also add these railroad corporations on the service list of this rulemaking proceeding as information only. Any such railroad corporation that wishes to actively participate in this proceeding may upgrade its status from information only to an appearance of record by sending a letter to the Process Office with a copy to the service list.

7. SDG&E's emergency petition to modify Decision 01-06-087 is dismissed.

8. SDG&E shall file an advice letter to make any necessary tariff changes to comply with Decision (D.) 01-06-087 within five days after the effective date of this order. The Advice Letter tariffs shall go into effect within five days of filing unless suspended by the Energy Division Director. If the Energy Division Director suspends any tariffs, such tariffs shall become effective upon the date the Energy Division Director confirms that the tariffs are in compliance.

This order is effective today.

Dated August 23, 2001, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
RICHARD A. BILAS  
CARL W. WOOD  
GEOFFREY F. BROWN  
Commissioners

**Appendix A**  
**Los Angeles County Metropolitan Transit Authority**  
**Specific Facilities that meet the RSCD Rotating Outage Exemption Criteria**

Service Account #	LINE	Purpose	Location	Street Address
10098278	Blue	BL TPSS-04	WILLOW TPSS	28TH ST & W AMERICAN
12842471	Blue	BL TPSS-05	WARDLOW TPSS	3376 PACIFIC PL
10142099	Blue	BL TPSS-06	DIVISON 11 TPSS	2083 SANTAFE
11208880	Blue	BL TPSS-07	DEL AMO TPSS	20340 S SANTA FE AVE
12969214	Blue	BL TPSS-08	DOMINGUEZ TPSS	18919 SANTE FE
12919704	Blue	BL TPSS-09	ARTESIA TPSS	1810 S ACACIA AVE
10253979	Blue	BL TPSS-10	COMPTON TPSS	507 N WILLOWBROOK AVE
12919694	Blue	BL TPSS-11	PIRU TPSS	13504 WILLOWBROOK AVE
10227033	Blue	BL TPSS-12/ ROC	IMPERIAL TPSS	11650 E WILLOWBROOK
11206983	Blue	BL TPSS-13	FIRESTONE TPSS	8616 GRAHAM
12969215	Blue	BL TPSS-14	FLORENCE TPSS	7501 GRAHAM AVE
10143021	Blue	BL TPSS-15	SLAUSON TPSS	5865 RANDOLPH ST
13147667	Green	GL TPSS	DIV 22 TPSS A	14724 AVIATON BL A
12810091	Green	GL TPSS	DIV 22 TPSS B	14721 AVIATION BL B
	Green	GL TPSS	DOUGLAS TPSS	700 S DOUGLAS
13147711	Green	GL TPSS	EL SEGUNDO TPSS	151 N NASH ST.
	Green	GL TPSS	IMPERIAL TPSS	5350 IMPERIAL HWY
12810092	Green	GL TPSS	HAWTHORNE TPSS	11230 S ACACIA AVE
	Green	GL TPSS	CRENSHAW TPSS	3301 120 ST.
	Green	GL TPSS	WESTERN AVE TPSS	11725 MANHATTEN PL
	Green	GL TPSS	VERMONT AVE TPSS	11520 NEW HAMPSHIRE
	Green	GL TPSS	117TH STREET	139 WEST 117TH ST.
	Green	GL TPSS	BELLHAVEN	11706 BELLHAVEN ST.
	Green	GL TPSS	SANTE FE AVE TPSS	2920 FERNWOOD
	Green	GL TPSS	LONG BEACH TPSS	11501 LONG BEACH BLVD
	Green	GL TPSS	MARSH AV TPSS	4106 FERNWOOD
	Green	GL TPSS	WRIGHT RD TPSS	11750 WRIGHT RD
	Green	GL TPSS	PARAMOUNT TPSS	6107 FLORENCE AVE
13147712	Green	GL TPSS	LAKESWOOD TPSS	12939 LAKESWOOD BLVD
	Green	GL TPSS	BELLFLOWER TPSS	13046 LEAHY AVE
13147713	Green	GL TPSS	NORWALS TPSS	13026 FLATBUSH
	Green	GL TCCB	MARINE AVE TCCB	2406 MARINE AVE
	Green	GL TCCB	EL SEGUNDO TCCB	2226 EAST EL SEGUNDO BLVD
	Green	GL TCCB	MARIPOSA TCCB	555 NORTH NASH ST.
	Green	GL TCCB	DEL NORTE TCCB	941 NORTH DOUGLAS ST.
	Green	GL TCCB	HARBOR FRWY TCCB	11600 SOUTH FIGUEROA ST.
	Green	GL TCCB	WILMINGTON	11659 WILMINGTON AVE
	Green	GL TCCB	PARAMOUNT	13706 PARAMOUNT BLVD
	Green	GL Pass. Station	CRENSHAW BLVD	11901 CRENSHAW BLVD

**End of Appendix A**

**Appendix B**  
**Santa Clara Valley Transportation Authority**  
**Specific Facilities that meet the RSCD Rotating Outage Exemption Criteria**

Line	Item	Location	From	To	TPSS	Account
Tasman	1	Evelyn & HWY 85, Mountain View	Mountain View Sta	Middlefield Sta	17	LVV 54 19951-3
	1a		Mountain View Sta	Central Expwy		
	1b		Central Expwy			
	1c		Central Expwy	Whisman Sta		
	1d		Whisman Sta	Middlefield Sta		
Tasman	2	Middlefield & Ellis, Mountain View	Middlefield Sta	Moffett Park Dr	18	KVV 4044201-2
	2a		Middlefield Sta	US 101 SB On-Ramp		
	2b		US 101 SB On-Ramp	Bayshore NASA Sta		
	2c		Moffett Field Depressed Section			
	2d		Moffett Field Depressed Section	Moffett Park Dr		
Tasman	3	Moffett Park & Jaegels, Sunnyvale	Moffett Park Dr	Java & Mathilda	19	JVV 31 05601-1
	3a		Moffett Park Dr	Java & Mathilda		
	3b		Java & Mathilda			
Guadalupe	6	Woz & Auzerais	Woz & Auzerais	Tamien	7	DVP T2 10001-4
	6a		Woz & Auzerais	Tamien		
Guadalupe	7	Tamien	Tamien	Canoas Garden	8	DVP T2 10001-4
	7a		Tamien	Canoas Garden		
Guadalupe	8	Canoas Garden	Canoas Garden	Narvaez	9	DVP T2 10001-4
	8a		Canoas Garden	Narvaez		
Guadalupe and Almaden	9	Narvaez	Narvaez	Winfield / Chesbro	10	DVP T2 10001-4
	9a		Narvaez	Chynoweth		
	9b		Chynoweth Sta			
	9c		Chynoweth	Chesbro		
	9d	[Almaden Branch]	Chynoweth Sta	Blossom Hill		
Almaden	10	Winfield [Almaden Branch]	Blossom Hill	Almaden Sta	11	DVP T2 10001-4
	10a	[Almaden Branch]	Winfield	Blossom River Way		
	10b	[Almaden Branch]	Blossom River Way	Almaden Sta		
Guadalupe	11	Chesbro	Chesbro	Lean	12	DVP T2 10001-4
	11a		Chesbro	Lean		
Guadalupe	12	Lean	Lean	Miyuki	13	DVP T2 10001-4
	12a		Lean	Miyuki		
Guadalupe	13	Miyuki	Miyuki	Santa Teresa	14	DVP T2 10001-4
	13a		Miyuki	Santa Teresa		
	13b		Santa Teresa Sta			
Guadalupe	14	Younger	Yard, Maintenance Facility		15	DVP T2 10001-4
	14a		Yard, Maintenance Facility, Control Center			

**End of Appendix B**

## Appendix C

**SAN DIEGO TROLLEY INCORPORATED****Specific Facilities that meet the RSCD Rotating Outage Exemption Criteria**

Meter #	Account #	Equip Type	Location	Street Address	Cir#	Block#	Volt	Pwr Type
1361612	328460180	Substation	Near #42 B/L	9250 STADIUM RD B	362	053B	Low	Traction
1665939	1320174820	Substation	Near #14 B/L	3415 BEYER BLVD	723	100B	High	Traction
1343091	1320175550	Substation	Near #14 B/L	3415 BEYER BLVD	152	057B	Low	Traction
1486832	1349481359	Substation	Near #42 B/L	9250 STADIUM RD	362	053B	High	Traction
1486832	1349481359	Substation	Near #42 B/L	9250 STADIUM RD	362	053B	High	Traction
1564578	1727302464	Substation	Betw#40 & #41 B/L	9809 RIO SAN DIEGO DR	145	035A	High	Traction
654919	2445172254	Substation	Near #17 B/L	2615 MAIN ST	129	061B	Low	Traction
1344248	2654635857	Substation	No. 35 B/L	4009 TAYLOR ST C	105	064A	High	Traction
1347911	3011464399	Substation	Betw #36 & #37 B/L	5495 NAPA ST	105	064A	Low	Traction
1359658	3011464399	Substation	Betw #36 & #37 B/L	5495 NAPA ST	105	064A	High	Traction
1036413	3407604212	Substation	Betw #22 & #23 O/L	4401 K ST	133	039B	High	Traction
1472345	3570158292	Substation	Betw #31 & #32 B/L	718 W A ST	117	078A	Low	Traction
1682591	3570171884	Substation	No. 14 B/L	2418 E BEYER BLVD	152	057B	High	Traction
441437	3778122494	Substation	Near #25 Both Lines	8 13TH ST	123	038B	Low	Traction
441437	3778122494	Substation	Near #25 Both Lines	8 13TH ST	123	038B	Low	Traction
1355472	4532603851	Substation	Near #23 O/L	3243 K ST	133	039B	High	Traction
1684069	4563618784	Substation	Near #37 B/L	1209 FASHION VALLEY RD	107	061A	High	Traction
8000214	4695161592	Substation	Betw #31 & #32 B/L	720 W A ST	117	078A	High	Traction
1665792	4695175550	Substation	Betw #18 & #19 B/L	751 F ST	255	060B	High	Traction
1666106	4903112938	Building/Shop	Near #25 Car Shop	12 13TH ST	123	038B	Low	Bldg/Shop
1540374	5316275032	Substation	Betw #40 & #41 B/L	9809 RIO SAN DIEGO DR A	145	035A	Low	Traction
1354285	5657605283	Substation	Betw #20 & #21 O/L	5890 IMPERIAL AVE	323	019B	High	Traction
1036411	5793343651	Substation	Near #25 Car Shops	10 13TH ST C	123	038B	High	Traction
1666846	5820182906	Substation	Betw #18 & #19 B/L	749 F ST	255	060B	Low	Traction
888908	6187074322	Substation	Near #18 O/L	1399 SAN ALTOS PL	322	020B	Low	Traction
1148628	7875152209	Substation	Betw #36 & #37 B/L	6701 FRIARS RD	107	061A	High	Traction
1569118	8568159622	Substation	Betw #36 & #37 B/L	5221 MISSION CENTER RD	141	044A	High	Traction
1361610	9032606786	Substation	Betw #19 & #20 O/L	4553 NEBO DR	733	104A	High	Traction
1170317	9181850009	Substation	Betw #22 & #23 O/L	4403 K ST	MK02	019B	Low	Traction

End of Appendix C

## **RSCD MITIGATION MEASURES**

### **APPENDIX D**

#### **a) Rail Transit Systems**

- i. Exempt those sections of a rail transit systems' track that have limited access to emergency response personnel from any rotating outage.
- ii. PG&E, SDG&E or SCE, as appropriate should provide one hour advanced person-to-person telephone notifications of rotating outages to the Operations Control Center of any affected rail transit system.
- iii. Each rail transit system should establish and implement procedures for rotating outages to ensure the safety of pedestrian evacuees on or about the right-of-way. Where there is a shared common corridor with a freight or commuter railroad, the rail transit system should establish and implement procedures to contact the freight or commuter railroad's train dispatching center advising of the outage, any necessary evacuations or other emergency activities.
- iv. Rail transit systems and freight or commuter railroads operating in a common corridor should establish procedures jointly to ensure the safety of pedestrian evacuees on or about the right-of-way.
- v. PG&E, SDG&E, and SCE should establish necessary and reasonable mitigation measures with each impacted rail transit system. PG&E, SDG&E, and SCE should file and serve a report within 30 days of this decision on the necessary and reasonable mitigation measures which the respondent utility and impacted rail transit system agree to including the measures that the respondent utility will implement. Any rail transit system may file a complaint with the Commission if safety issues involving this matter are not resolved with the respondent utility.
- vi. Rail transit systems should determine whether they are subject to rotating outages on those portions of track receiving electric power from sources other than the respondent utilities.
- vii. The exemption from rotating outages granted to BART in D.01-04-006 should remain in effect.

- viii. The underground exemptions from rotating outages granted to MUNI in D.01-04-006 should remain in effect. With respect to the non-underground portion of MUNI, PG&E should establish necessary and reasonable mitigation measures with MUNI.

**b) Grade Crossing Warning Devices**

- i. Rail Transit systems and freight or commuter railroads operating in common corridors should coordinate and jointly test grade crossing warning devices' emergency battery life.
- ii. Rail transit systems and freight or commuter railroads operating in common corridors should conduct planned exercises and safety efficiency testing of the recommended emergency procedures.
- iii. Freight and commuter railroads should test grade crossing warning devices under simulated "power-off" to determine current condition of estimated back-up life of the emergency batteries.
- iv. Freight and commuter railroads and rail transit systems should maintain and replace, as necessary, batteries in high rail traffic use crossings.
- v. Freight and commuter railroads and rail transit systems should ensure that crossing gates "fail" in the down position.
- vi. Cities, counties, and other agencies that operate nearby preempted traffic signals connected to grade crossings should develop alternative means of providing warnings to motorists, including, but not limited to, battery backup, police, and flag persons.
- vii. Freight and commuter railroads and rail transit systems, as necessary, should operate at "restricted speed" (e.g. ability to stop in ½ the range of vision, not to exceed 20 mph) over grade crossings interconnected with preempted traffic signals during power outages.

**c) Freight and Commuter Railroads**

- i. PG&E, SDG&E, and SCE, as appropriate should provide one-hour advanced person-to-person telephone notifications of a

rotating outage to each OCC or central dispatching center of any impacted freight and commuter railroad.

- ii. Where common corridors are shared with a rail transit systems, freight and commuter railroads should establish and implement procedures to ensure the safety of rail transit pedestrian evacuees on or about the right-of-way. Those procedures should include notification from the rail transit systems' operations control center to the respective freight or commuter railroad's train dispatching center advising of the outage and any necessary evacuations.
- iii. Rail transit systems and freight and commuter railroads should jointly establish procedures to ensure the safety of pedestrian evacuees on or about the right-of-way.
- iv. PG&E, SDG&E, and SCE should establish necessary and reasonable mitigation measures with each impacted rail transit system. PG&E, SDG&E, and SCE should file and serve a report within 30 days of this decision on the necessary and reasonable mitigation measures which the respondent utility and each impacted freight and commuter railroad agree to including the measures that the respondent utility will implement.
- v. Each freight or commuter railroad may file a complaint with the Commission if there are unresolved disputes.

**d) Common Corridor**

- i. Freight and commuter railroads and rail transit systems should coordinate and jointly test grade crossing warning devices which are separately maintained within a common corridor. Power source variability, operational characteristics and battery life of the two systems should be confirmed.
- ii. Freight and commuter railroads and rail transit systems should test grade crossing warning devices under simulated "power-off" conditions to determine current condition of and estimated back-up life of emergency batteries. All railroads and rail transit systems should ensure that crossing gates "fail" in the down position as designed.
- iii. Cities, counties, and other agencies that operate nearby preempted traffic signals connected to grade crossings should determine how a power outage will affect these devices. If the preemptive signals have no battery backup

- system, or they lose functionally during and after a blackout, then alternative means of providing warnings to motorists must be employed. Freight and commuter railroads and rail transit systems not otherwise affected should, as necessary, operate at “restricted speed” (e.g. able to stop in ½ the range of vision, not to exceed 20 mph) over grade crossings interconnected with preempted traffic signals affected by a blackout but not protected by other alternative means.
- iv. Freight and commuter railroads and rail transit systems should maintain emergency procedures that address the risks presented by the evacuation of pedestrian passengers stranded by a blackout affecting a rail transit vehicle mid-route through a common corridor right-of-way where freight and/or commuter trains may be operating at full speed. Carriers should ensure effectiveness of emergency procedures through employee testing and unannounced mock drills.
  - v. This order should be served on all railroad corporations operating in California and they should be added to the service list.

**End of Appendix D**